

SOUTH GALLATIN ZONING DISTRICT

ZONING ORDINANCE

FEBRUARY 10, 1994

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SECTION 1 TITLE, CREATION AND ADOPTION

- 1.1 This ordinance shall be known as the South Gallatin Zoning Ordinance and is adopted specifically for the South Gallatin Zoning District. This district has been created by resolution of the Board of County Commissioners, Gallatin County, Montana.
- 1.2 Pursuant to Section 76-2-101, M.C.A., there has been created a Planning and Zoning Commission for the South Gallatin Zoning District which consists of the three County Commissioners, the County Surveyor and the County Assessor.
- 1.3 Pursuant to Section 76-2-101, M.C.A., there is hereby adopted a development pattern consisting of the South Gallatin Zoning Ordinance, Zoning Map, and South Gallatin Zoning District General Plan.
- 1.4 The Planning and Zoning Commission shall have all the powers given to it by the state statutes of the State of Montana and by this ordinance.

SECTION 2 PURPOSES

- 2.1 The purpose of this ordinance is to:
 1. Maintain and enhance the lifestyle and recreational values of the district and the principle economic activities of the area.
 2. Protect and preserve the existing ecosystem from unnecessary alteration and disturbance.
 3. Encourage preservation and wise stewardship of the natural environment and scenic values of the South Gallatin Canyon.
 4. Blend future development with the special natural environment of the South Gallatin District.
 5. Develop land use alternatives designed to enhance the compatibility of existing and new land uses in the Canyon.
 6. Protect existing residential and tourist/recreation developments in the district and provide for additional development of these uses on a limited basis that will preserve and be compatible with the character of the area and can be supported by the limited commercial activities in the canyon.

7. Limit commercial development to concentrated areas necessary to the support of existing recreation activities.
 8. Insure that commercial areas are easily accessible from primary circulation routes and prohibit manufacturing and businesses traditionally incompatible with wilderness recreation and dispersed residential uses in the district.
 9. Control the development of recreational land uses in the district and limit to activities which depend upon, and are compatible with, retention of the area's natural character.
 10. Promote the health, safety and general welfare of County residents.
- 2.2 This ordinance is adopted under provision of Section 76-2-101 through Section 76-2-112, M.C.A., and is intended to be in effect only when adopted under said law in conjunction with a zoning map.

SECTION 3 DEFINITIONS

For the purpose of this ordinance certain terms and words are defined as follows: words used in the present tense shall also include the future; words or phrases used in the singular shall also include the plural, and words used in the plural shall also include the singular; the word "building" includes structure and "structure " includes building; the words "used" or "occupied" shall include within their meaning "intended, arranged, or designed to be used or occupied." The word "person" shall include corporation, partnership, or other legal entity, where other definitions are necessary and are not defined herein, the South Gallatin Planning and Zoning Commission may define such terms.

- 3.1 Accessory Building or Use - A building or use which: (1) is subordinate in area, extent or purpose to the principal building or principal use served; (2) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use.
- 3.2 Agriculture - The tilling of soil, the raising of crops, horticulture and gardening, dairying or animal husbandry including all uses customarily incidental thereto, but not including any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals, commercial dog kennels, commercial feed lots or similar uses.
- 3.3 Bed and Breakfast - An establishment which provides overnight lodging to the public for compensation, is located in the proprietor's residence, and serves meals to registered guests.
- 3.4 Building - A structure, having a roof, and built for support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
- 3.5 Building Height - The vertical distance from the average elevation of the proposed finished grade at the front of a building to the highest point of a flat roof, the deck line of a mansard

roof, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

- 3.6 Building Perimeter - The foundation walls of a building and/or supports for appendages thereto.
- 3.7 Campground - An outdoor facility providing overnight visitor accommodations in the form of tent or recreational vehicle sites, and having no permanent structures other than a management office, storage facilities and sanitary facilities.
- 3.8 Caretaker's Residence - Dwelling unit for a person that takes care of a house or land unit for an owner.
- 3.9 Club, Private - An association of persons for the promotion of a common objective.
- 3.10 Cluster Development - A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that allowed.
- 3.11 Commercial - A land use classification that permits facilities for the buying and selling of goods and services.
- 3.12 Commercial Feed Operations - Any premises on which animals are held or maintained for the purpose of feeding for market. An operation shall be considered a commercial feed operation where there are 150 head or more cattle, 150 head or more hogs, 150 head or more sheep, 150 or more poultry or rabbits, and 150 or more of any other animal. Livestock which have access to forage on a regular seasonal basis shall not be considered a commercial feed operation.
- 3.13 Conditional Use - Uses, other than permitted uses, that may be allowed in a specific zoning category, but which require a public hearing by the governing body to consider additional safeguards to maintain and assure the health, safety, and

general welfare of the community and to maintain the character of the South Gallatin Zoning District.

- 3.14 Construction - Making or forming by combining or arranging parts or elements.
- 3.15 Convenience Commercial - A convenience retail establishment that secures its principal trade by supplying the daily needs of neighborhood residents and travelers.
- 3.16 Corral - A pen or enclosure for confining or capturing livestock.
- 3.17 Density - The total number of dwelling units allowed per gross acre.
- 3.18 Dwelling, Single Family - A building designed with complete, permanent, and independent living facilities for one family.
- 3.19 Dwelling Unit - A building or portion thereof providing permanent cooking, eating, sleeping and living facilities for one family and its resident domestic employees.
- 3.20 Dude Cabins - Detached living quarters used to house patrons of dude ranches, resorts, corporate retreats and private clubs. Dude cabins shall not be offered for sale as an individual dwelling unit.
- 3.21 Dude Ranch - A private ranch that offers lodging, meals and recreation at a package price. Guests are accepted by reservation only; single-night overnight trade is not solicited. The package price includes all meals and recreational facilities. Dining, recreational and other facilities are only available for use by ranch guests.
- 3.22 Employee Housing - Dormitories, bunkhouses or cabins for people who labor for the same entity where employee housing is located. Available only for use by employees and not for use by paying guests.
- 3.23 Family - Any individual or two or more persons related by blood or marriage, or a group of not more than four persons (excluding servants) who need not be related by blood or marriage, living together as a single non-profit housekeeping unit.
- 3.24 Gateway Sign - An archway over a main access to an establishment or structure and limited to the name of the establishment or structure.
- 3.25 General Plan - General plan shall include any document or portion of any document duly adopted by the Zoning Commission which is intended to guide the growth and development of the area.
- 3.26 Guest House - Detached living quarters used to temporarily house visitors, without kitchens or cooking facilities, clearly subordinate and accessory to a single family home on the same building site. Guest houses shall not be offered for rent or sale as an individual dwelling

unit.

- 3.27 Guest Ranch/Resort - A building or group of associated buildings containing accommodations for guests, consisting of individual guest rooms, suites and separate dwelling units, dining facilities and other types of accessory facilities, including but not limited to, private recreation facilities, horse related activities, fishing, outfitting, meeting, banquet and conference rooms, recreational activities and such other usual and customary activities carried on and conducted at a guest ranch/resort in the area.
- 3.28 Home Occupation - Any use customarily conducted entirely within a dwelling by the inhabitants thereof, which is clearly incidental and secondary to the use of the character thereof and in connection with which there are: no sales of products or services not produced on the premises; no more than one additional employee other than the residents of the building; no generation of pedestrian or vehicular traffic beyond that normal to the district in which it is located; no signs or structures advertising the occupation; no excessive or unsightly storage of materials, supplies or equipment. For guidance, the following uses are examples of home occupation: the making of clothing; the giving of music lessons; the creation of original artifacts; and the providing of children day care services. In no case shall more than one home occupation be carried on in the same premises.
No home occupation conducted entirely within a dwelling shall occupy more than twenty percent (20%) of the gross floor area nor more than four hundred (400) square feet of gross floor area.
- 3.29 Landscaping - The placement of ornamental fixtures such as fountains, ornamental walls, fences, benches, along with vegetative plantings of trees, shrubs, grass, flowers, etc. This definition shall also include the designing of the placement of such materials.
- 3.30 Lot - A parcel or plot of land shown as an individual unit of ownership on the most recent plat or other record of subdivision.
- 3.31 Lot, corner - A lot situated at the junction of and abutting on two or more streets.
- 3.32 Lot, coverage - The total area of a lot covered by the principal and accessory buildings.
- 3.33 Lot lines - The lines bounding a lot as defined herein.
- 3.34 Lot width - The width of a lot along a line parallel to the frontage thereof and lying a distance equal to the required front yard setback on such lot.
- 3.35 Manufactured Housing - Residential dwellings constructed entirely or substantially off-site.
- 3.36 Mobile Home - Forms of housing known as "trailers", "house-trailers", or "trailer coaches", built to be transportable on its own chassis, comprised of frame and wheels, and designed to be used as a dwelling when connected to appropriate utilities.

- 3.37 Motor Home - See Travel Trailer, Section 3.50.
- 3.38 Outfitting - Providing a commercial service and equipment to help the public better enjoy outdoor recreational activity.
- 3.39 Overnight Accommodations - Permanent, separately rentable accommodations which are not available for residential use. Overnight accommodations include dude ranches, resorts, bed and breakfast inns and cabins. Individually owned units may be considered overnight lodging if they are available for overnight rental use. Tent sites, recreational vehicle parks, employee housing, and similar accommodations do not qualify as overnight accommodations for this definition.
- 3.40 Parcel - a tract or plot of ground.
- 4.41 Parcel of Record - Means a parcel of land, irrespective of ownership, that can be identified by a legal description, independent of any other parcel of land, using documents on file in the records of the County clerk and recorder's office.
- 3.42 Parking Lots - A structure or an area, other than a public street or alley designed or used for the temporary parking of motor vehicles and available for public use whether free, for compensation, or an accommodation for customers or clients.
- 3.43 Parking space, off-street - A space located off any public right-of-way which is at least nine feet by twenty feet in size for parking of any motor vehicle, with room to get out of either side of the vehicle, with adequate maneuvering space, and with access to public streets or alleys.
- 3.44 Pasture - Land used for grazing.
- 3.45 Private Club - A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.
- 3.46 Ranch - An agricultural establishment used for the production or maintenance of crops, hay, or livestock, including structures or other improvements incidental to such activities.
- 3.47 Restaurant - A commercial establishment with dining facilities which serves meals and beverages to the general public and which may provide music or dancing as an incidental use. The term restaurant does not include outdoor cooking or food service facilities.
- 3.48 Retreat, Corporate - Facility which provides accommodations, meeting rooms, eating facilities and recreational activities to private groups only. Corporate retreats are not open to the general public and do not accept reservations from individuals. All meals, lodging and recreational facilities are provided as a package to guests.

- 3.49 Ridgeline - A line connecting the highest points along a ridge or crest.
- 3.50 Structural alteration - Any change in the shape or size of any portion of a building or of the supporting members of the building or structure such as walls, columns, beams, arches, girders, floor joist, or roof joist. The term structural alteration does not include modifications not visible from the building's exterior.
- 3.51 Structure - That which is built or constructed, an edifice or building of any kind of any piece of work artificially built up or composed of parts joined together in some definite manner.
- 3.52 Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreation, and vacation uses which is not more than eight feet in body width.
- 3.53 Use - Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

- 3.54 Variance - A device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from an inconvenience.
- 3.55 Viewline - See ridgeline.
- 3.56 Water Gap - A fenced area leading from a corral or pasture to a water source.
- 3.57 Wildlife Habitat - The combination of physical parameters such as food, water, vegetative cover, and space that provides for the biological and behavior needs of wildlife for the purposes of the South Gallatin Plan this definition specifically applies to those large mammals of primary concern outlined in the Plan, which include elk, grizzly bears and moose.
- 3.58 Yard, front - An open space extending across the full width of the lot between the front building line and the front lot line.
- 3.59 Yard, rear - An open space extending across the full width of the lot between the rear building line and the rear lot line.
- 3.60 Yard, side - An open space extending from the side building line to a side lot line running from the front to the rear lot lines.
- 3.61 Zoning Enforcement Officer - The duly authorized agent appointed by the Planning and Zoning Commission for the purpose of administering and enforcing this ordinance.

SECTION 4 ESTABLISHMENT OF DISTRICTS

- 4.1 The jurisdiction of the South Gallatin Zoning District is hereby divided into zones of "districts", as shown on the official zoning map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.
- 4.2 Certificate - The Official Map shall be available in the County Clerk and Recorder's Office and shall bear a certificate with the signature of the Chairperson of the South Gallatin Planning and Zoning Commission, attested by the County Clerk and the date of adoption of this ordinance. The Certificate shall read as follows:

This is to certify that this is the Official _____ Zoning Map referred to in Section 4 of the South Gallatin Zoning District Ordinance.

CHAIRPERSON, SOUTH GALLATIN PLANNING AND ZONING DISTRICT

Attested _____

Date of Adoption _____

If any changes to the map are made by amendment of this ordinance in accordance with Section 21 hereof, such changes shall be made to the Official Zoning Map and signed, dated, and certified upon the map or upon the material attached thereto.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map kept in the office of the County Clerk and Recorder shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the zoning district.

- 4.3 Replacement of Official Zoning Map - In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes or additions thereto, the South Gallatin Planning and Zoning Commissioners may adopt and certify a new Official Zoning Map which shall supersede the prior Official Zoning Map.

The new Official Zoning Map may correct drafting or other errors or admissions in the prior map, but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereof.

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted _____ as part of the zoning ordinance for South Gallatin Zoning District, Gallatin County, Montana.

CHAIRPERSON, SOUTH GALLATIN PLANNING AND ZONING COMMISSION

Attested _____

Date _____

- 4.4 Interpretation of Boundaries - Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the boundaries shall be interpreted as following the

nearest logical line to that shown; where:

1. Boundaries indicated as approximately following the center line of streets, highways, or alleys, shall be construed to follow such center lines;
 2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 3. Boundaries indicated as following the center line of streams, rivers, canals, or ditches shall be construed to follow such center lines;
 4. Boundaries indicated as parallel to or extensions of features indicated on the Official Zoning Map shall be determined by the scale of the map;
 5. Boundaries indicated as following section lines or quarter section lines or quarter-quarter section lines shall be construed as following such lines;
 6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or where other circumstances or controversy arise over district boundaries, the South Gallatin Planning and Zoning Commission shall interpret the district boundary.
- 4.5 Interpretation of Uses - If questions arise concerning the appropriate classification of a particular use, or if the specific use is not listed, the Zoning Commission shall determine the appropriate classification for that use, using the criteria listed under the applicable section of this ordinance.

SECTION 5 APPLICATION OF DISTRICT REGULATIONS

Except as herein provided with respect to supplementary regulations, conditional uses, non-conforming uses and non-conforming buildings, and variances, the regulations set by this ordinance shall be minimum regulations and all regulations as categorized shall apply uniformly to each class or kind of structure or land and particularly:

- 5.1 No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless it is in conformity with all of the regulations herein specified for the district in which it is located.
- 5.2 No building or other structure shall hereafter be erected or altered: a) to exceed the required height or bulk set forth in these regulations; b) to accommodate or house a greater number of families; c) to occupy a greater percentage of lot area; d) to have narrower or smaller rear yards, front yards, side yards, or other open space.

- 5.3 No part of any yard, or other open space, or off-street parking required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking similarly required for any other building.
- 5.4 No yard or lot existing at the time of adoption of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

SECTION 6 RECREATION AND FORESTRY DISTRICT (RF)

- 6.1 Purpose and Intent - This district is intended to provide areas for recreational activities, wildlife habitat and limited year-round single-family residential life. It is intended that this district remain a very low density area to protect its natural, scenic and environmental qualities. It is also the purpose of this district to recognize the existing constraints to development, such as unstable soil, wildlife habitat, steep slopes and riparian areas, and to ensure that any development be planned accordingly.
- 6.2 Characteristics - The RF District has been applied to areas that have the following characteristics:
- a. Access is limited. Limited access means that roads are not built to Gallatin County standard, do not have a formal maintenance association and program, may be private and may not have recorded easements.
 - b. Typical uses are guest ranches, recreation and logging.
 - c. The land is in private ownership.
 - d. Existing density is very low with abundant open space.
 - e. Wildlife use is common.